

Robert G. Abrams  
Thomas A. Isaacson  
Peter A. Barile III  
HOWREY LLP  
1299 Pennsylvania Avenue, N.W.  
Washington, DC 20004  
Tel.: (202) 783-0800  
Fax: (202) 383-6610  
abramsr@howrey.com  
isaacsont@howrey.com  
barilep@howrey.com

Paul Alexander  
HOWREY LLP  
1950 University Avenue  
East Palo Alto, CA 94303  
Tel.: (650) 798-3500  
Fax: (650) 798-3600  
alexanderp@howrey.com

Emily L. Maxwell  
HOWREY LLP  
525 Market Street, Suite 3600  
San Francisco, CA 94105  
Tel.: (415) 848-4947  
Fax: (415) 848-4999  
maxwelle@howrey.com

*Counsel for Plaintiffs Andrea Resnick, Gary  
Bunker, John Haley, Amy Latham, Eric  
Roslansky, and Kevin Simpson*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

ANDREA RESNICK, GARY BUNKER, JOHN  
HALEY, AMY LATHAM, ERIC ROSLANSKY,  
and KEVIN SIMPSON, on behalf of themselves  
and others similarly situated,

*Plaintiffs,*

v.

WALMART.COM USA LLC, WAL-MART  
STORES, INC., and NETFLIX, INC.,

*Defendants.*

**Case No. C 09-0002 PJH**

**Hon. Phyllis J. Hamilton**

**NOTICE OF FILING**

HOWREY LLP

NOTICE OF FILING

1                   **I. ORDER OF THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

2                   Plaintiffs Andrea Resnick, Gary Bunker, John Haley, Amy Latham, Eric Roslansky, and Kevin  
3 Simpson hereby notify the Court that the *Resnick* case and related cases currently pending in this Court  
4 and elsewhere were ordered centralized in this Court pursuant to 28 U.S.C. § 1407 by the Judicial  
5 Panel on Multidistrict Litigation (“JPML” or “Panel”) on April 10, 2009, *In re Online DVD Rental*  
6 *Antitrust Litigation* (MDL No. 2029).

7                   A copy of the **Order of the JPML**, dated April 10, 2009, is attached hereto as Exhibit A. The  
8 Order operates to centralize not only the twelve (12) earlier-filed actions listed in the appendix to the  
9 Panel’s April 10th Order, but also to all other subsequently-filed and currently pending Tag Along  
10 Actions pursuant to Panel Rules 1, 7.4, and 7.5, and referenced in footnote 1 of the Order. (Order at 1  
11 & n.1.) As of this day, Plaintiffs are aware of forty-six (46) such pending actions—a total of fifty-  
12 eight (58) cases in all—that “share factual questions arising out of allegations that defendants  
13 conspired to divide the online DVD rental market,” (*id.* at 1), and, therefore, will be centralized in this  
14 Court. Should other cases arising out of allegations that defendants conspired to divide the online  
15 DVD rental market be filed in the future, they too will be subject to the Panel Order and consolidated  
16 with the other actions in this litigation.

17  
18                   **II. SCHEDULE OF ACTIONS**

19                   Plaintiffs have informed the JPML of all currently pending cases subject to the April 10th Panel  
20 Order by lodging a Schedule of Centralized and Tag Along Actions, as well as copies of all  
21 Complaints filed in those actions with the Clerk of the Panel.

22                   **A copy of the Schedule lodged with the Clerk of the Panel is attached hereto as Exhibit B.**  
23 The Schedule lists all fifty-eight (58) cases now pending that will be consolidated in this Court under  
24 the April 10th Panel Order, including not only the twelve (12) earlier-filed actions listed in the  
25  
26  
27  
28

1 appendix to the Order, but also the forty-six (46) other subsequently-filed Tag Along Actions subject  
2 to the Order as referenced in footnote 1 of the Order.<sup>1</sup>

3  
4 **III. CASES CONSOLIDATED**

5 Forty (40) of the fifty-eight (58) cases subject to the Panel Order are pending in this Court.  
6 This number includes the eleven (11) earlier-filed actions listed in the appendix to the Order, as well as  
7 twenty-nine (29) subsequently-filed Tag Along Actions subject to the Order as referenced in footnote 1  
8 of the Order and set forth in the Schedule filed by Plaintiffs.

9 Eighteen (18) actions subject to the Order are pending elsewhere. This number includes the  
10 one earlier-filed action listed in the appendix to the Panel Order, as well as seventeen (17) Tag Along  
11 Actions subject to the Order as referenced in footnote 1 of the Order and set forth in the Schedule filed  
12 by Plaintiffs.

13  
14 **A. Northern District of California Cases.** The following is a list of the cases  
15 pending in this Court subject to the Order of the Panel. The cases numbered 1-11 are set forth in the  
16 appendix to the Panel Order. Numbers 12-40 are Tag Along Actions subject to the Order as referenced  
17 in footnote 1 of the Order and set forth in the Schedule filed by Plaintiffs.

- 18  
19 1. Resnick et al. v. Walmart.com, et al., 3:09-cv-00002 PJH  
20 2. O'Connor v. Walmart.com, et al., 3:09-cv-00096 PJH  
21 3. Endzweig v. Walmart.com, et al., 3:09-cv-00111 PJH  
22 4. Schmitz v. Walmart.com, et al., 3:09-cv--00116 PJH  
23 5. Lynch, et al. v. Walmart.com, et al., 3:09-cv-00138 PJH  
24 6. Groce, et al. v. Netflix, Inc., et al., 3:09-cv-00139 PJH  
25 7. Sivek v. Walmart.com, et al., 3:09-cv-00156 PJH  
26 8. Faris v. Netflix, Inc., et al., 3:09-cv-00180 PJH

27 <sup>1</sup> Items 1 through 11 and 13 through 41 of the Schedule list the forty (40) cases already pending  
28 in this Court. Items 11 and 42 through 58 list the eighteen (18) cases pending outside the Northern  
District of California that will be transferred to this Court.

9. Slobodin v. Netflix, Inc., et al., 3:09-cv-00225 PJH
10. Anthony, et al. v. Walmart.com, et al., 3:09-cv-00236 PJH
11. Polk-Stamps v. Netflix, Inc., et al., 3:09-cv-00244 PJH
12. Sheeler, Jr. v. Walmart.com, et al., 3:09-cv-00274 PJH
13. Chapman v. Netflix, Inc., et al., 3:09-cv-00294 PJH
14. Orozco v. Netflix, Inc., et al., 3:09-cv-00297 PJH)
15. Landels, et al. v. Netflix, Inc., et al. , 3:09-cv-00340 PJH
16. Grime v. Netflix, Inc., et al., 3:09-cv-00349 PJH
17. Meyer v. Walmart.com, et al., 3:09-cv-00361 PJH
18. Randall v. Walmart.com, et al., 3:09-cv-00368 PJH
19. Hirsch v. Netflix, Inc., et al., 3:09-cv-00375 PJH
20. Miscioscia v. Netflix, Inc., et al., 3:09-cv-00377 PJH
21. Patras v. Netflix, Inc., et al., 3:09-cv-00378 PJH
22. Chatelain v. Netflix, Inc., et al., 3:09-cv-00391 PJH
23. Weiner v. Walmart.com USA LLC, et al., 3:09-cv-00398 PJH
24. Millrood v. Walmart.com USA LLC, et al., 3:09-cv-00399 PJH
25. Kober v. Walmart.com USA LLC, et al., 3:09-cv-00400 PJH
26. Lacabe v. Walmart.com USA LLC, et al., 3:09-cv-00402 PJH
27. Roy v. Netflix, Inc., et al., 3:09-cv-00434 PJH
28. Bruno, et al. v. Walmart.com USA LLC, et al., 3:09-cv-00445 PJH
29. Zaker v. Netflix, Inc., et al., 3:09-cv-00447 PJH
30. Parikh v. Netflix, Inc., et al., 3:09-cv-00496 PJH
31. Johnson v. Walmart.com USA LLC, et al., 3:09-cv-00553 PJH
32. Gannon v. Walmart.com USA LLC, et al., 3:09-cv-00554 PJH
33. Williams v. Netflix, Inc., et al., 3:09-cv-00678 PJH
34. Haddad v. Netflix, Inc., et al. , 3:09-cv-00958 PJH
35. Norem v. Netflix, Inc., et al., 3:09-cv-00956 PJH
36. Cornett v. Netflix, Inc., et al., 3:09-cv-00960 PJH
37. Macias v. Netflix, Inc., et al., 3:09-cv-00961 PJH
38. Randle v. Netflix, Inc., et al., 3:09-cv-00962 PJH
39. Wiebe v. Netflix, Inc., et al., 3:09-cv-01274 PJH
40. Kra v. Netflix, Inc. et al., 3:09-cv-01499 JCS

1                    **B.      Other Cases.** The following is a list of the cases pending elsewhere subject to  
2 the Order of the Panel. Case number 1 is set forth in the appendix to the Panel Order. Numbers 2-18  
3 are Tag Along Actions subject to the Order as referenced in footnote 1 of the Order and set forth in the  
4 Schedule filed by Plaintiffs.

- 5                    1. MaGee v. Netflix, Inc., et al., 2:09-cv-00070, Western District of Washington
- 6                    2. Michalski, et al. v. Netflix, Inc., et al., 0:09-cv-00158, District of Minnesota
- 7                    3. Boynton v. Walmart.com USA LLC, et al., 1:09-cv-00026, District of New  
8                    Hampshire
- 9                    4. Mayer v. Walmart.com USA LLC, et al., 1:09-cv-00028, District of Vermont
- 10                   5. Christina v. Netflix, Inc., et al., 3:09-cv-00059, Middle District of Louisiana
- 11                   6. Hotard v. Netflix, Inc., et al., 2:09-cv-01938, Eastern District of Louisiana
- 12                   7. Levin v. Walmart.com USA LLC, et al., 1:09-cv-00744, Northern District of Illinois
- 13                   8. Touchton v. Netflix, Inc., et al., 2:09-cv-00241, Northern District of Alabama
- 14                   9. Kopera v. Netflix, Inc., et al., 2:09-cv-00242, Northern District of Alabama
- 15                   10. Walters, et al. v. Netflix, Inc., et al., 2:09-cv-00110, Southern District of West  
16                   Virginia
- 17                   11. Karatz v. Netflix, Inc., et al., 1:09-cv-00136, Southern District of Indiana
- 18                   12. Bowles v. Netflix, Inc., et al., 8:09-cv-00250, Middle District of Florida
- 19                   13. Shafeek v. Netflix, Inc., et al., 1:09-cv-00617, Eastern District of New York
- 20                   14. Wagner v. Netflix, Inc., et al., 3:09-cv-00360, Northern District of Ohio
- 21                   15. Jones v. Netflix, Inc., et al., 3:09-cv-00131, Southern District of Illinois
- 22                   16. Ortiz-Cardona v. Netflix, Inc., et al., 3:09-cv-01157, District of Puerto Rico
- 23                   17. Cleary v. Walmart.com USA LLC, et al., 1:09-cv-01383, Northern District of  
24                   Illinois
- 25                   18. Spears v. Netflix, Inc., et al., 8:09-cv-00665, Middle District of Florida

26                   **Copies of the Complaints in these eighteen (18) actions pending outside the Northern**  
27 **District of California subject to the Order of the panel and to be transferred to this Court are**  
28 **attached hereto as Exhibits C-1 through C-18.**

1 DATED: April 14, 2009

2 Respectfully Submitted,

3 /s/ Robert G. Abrams

4 Robert G. Abrams  
5 Thomas A. Isaacson  
6 Peter A. Barile III  
7 HOWREY LLP  
8 1299 Pennsylvania Avenue, N.W.  
9 Washington, DC 20004  
10 Tel.: (202) 783-0800  
11 Fax: (202) 383-6610

12 Paul Alexander  
13 HOWREY LLP  
14 1950 University Avenue  
15 East Palo Alto, CA 94303  
16 Tel.: (650) 798-3500  
17 Fax: (650) 798-3600

18 Emily L. Maxwell  
19 HOWREY LLP  
20 525 Market Street, Suite 3600  
21 San Francisco, CA 94105  
22 Tel.: (415) 848-4947  
23 Fax: (415) 848-4999

24 *Counsel for Plaintiffs Andrea Resnick, Gary*  
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26 *Roslansky, Kevin Simpson*